

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday,
January 10, 2022, at 6:00pm
Posted Monday, February 14, 2022, at 2:25pm**

The meeting was called to order at 6:01pm. Present were Commissioners, Lynch, Allen, and Thomas, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, City Clerk, Kim Wells, Assistant City Clerk, Bernabe Rodriguez, Director of Engineering, Brian Postlewaite, Director of Economic Development Thomas Galligani, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 8:50pm

A recording of this meeting is available online

**Monday
Regular Licensing Commission Meeting
January 10, 2022
6:00pm
Published Monday, January 3, 2022 at 4:30pm
Published, Monday, January 10, 2022 at 2:30pm**

Pursuant to Chapter 20 of the Acts of 2021, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/6505819517687810573>

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of the Special Licensing Commission Meeting from 9/2/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed and 1 abstained (Thomas)

2. Minutes of the Regular Licensing Commission Meeting from 10/18/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed and 1 abstained (Thomas)

3. Minutes of the Regular Licensing Commission Meeting from 11/15/21

The commission approved these minutes on a roll call vote with 2 in favor (Allen, Lynch), 0 opposed and 1 abstained (Thomas)

4. Communication from Chair Lynch forwarding the draft language from the Somerville Board of Health relative to a proposed order requiring Covid 19 vaccination for indoor entertainment, recreation, dining and fitness settings in the City of Somerville.

The Commission brought up this communication just to be discussed. A vote was not taken in December 2021 on this issue. A BOH meeting will be held on 1/14/22, regarding the requirement for proof of vaccination upon entering some of our licensees establishments, specifically our licensees with an amendment to their license allowing entertainment by performers, with an exemption for entertainers from showing proof of vaccination.

Both items 4 & 5 are for discussion only, no public hearing is being held and this will not be voted on.

The BOH had a meeting prior to Christmas of 2021, where members of the public, BOH members had question, and Chair Lynch raised the question as to what the basis of removing entertainers or performers from entering our licensees and not having to show proof of vaccination. A discussion followed amongst the BOH members and they decided not to vote on this matter.

**The commission discussed both Agenda Items #4 & #5. *see #5 notes for further review.*

5. Somerville Licensing Commission to discuss the impact of the Board of Health proposed order may have on the Commission's Licensees and comment on any of the proposed language which relates to exemptions and the effect that may have on the public health and safety of the Licensees employees, its patrons and the general public.

The Commission brought up this communication for discussion only. A vote was not taken in December 2021 on this issue. A BOH meeting will be held on 1/14/22.

Chair Lynch stated he was concerned that everyone, including employees and patrons would be required to show proof of vaccination, except entertainers and performers. A BOH meeting is scheduled for Friday, January 14th to discuss keeping the exemption in or removing it.

Both items 4 & 5 are for discussion only, no public hearing is being held and this will not be voted on.

A discussion by the commission followed on this matter. Commissioner Allen stated the BOH policy is a minimum and not a maximum of who you can ask for vaccination. Venues could still request proof of vaccination from performers. He also commented on past discussions on the commission's very thoughtful, very risk-aware way this was discussed and the difference in allowing entertainment by violins and woodwinds. Commissioner Thomas expressed concern for the additional expenses this could incur for restaurateurs. A discussion followed. Chair Lynch recommended a Special Meeting be held on Wednesday, January 19, 2022 to determine how to proceed with the rules on this matter. The commissioners agreed with this proposal for a public meeting.

The commission approved a Special Meeting to be held on Wednesday, January 19, 2022 at 5:00pm, a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

6. Continued Communication from August 16, 2021, Licensing Commission Meeting, regarding Request from OSPCD dated July 12, 2021, for the Somerville Licensing Commission to adopt the recommended policy, regarding Group B Recreational Marijuana sequencing of issuing licenses. A discussion was held at this meeting, however, there were concerns about what would happen if multiple Group B applicants were approved in the same meeting. *This item should have been continued to the September 2021 Licensing Commission Meeting, but was not placed on the agenda as an oversight.*

Charlotte Leis spoke on the awarding of Group B Priority Licenses and the order they would be awarded. Ms. Leis discussed the recommendation provided by Economic Development. Ms. Leis discussed a two-pronged test to determine the issuance of these licenses. Step 1 – The date of the Community Host Agreement granted by the Mayor. Step 2 – The MAC score, if multiple CHA's are issued on the same day. Commissioner

Allen stated there is one additional criteria. The 2 step process was agreed on by the commission, for licensee's up until some set date after which it would be exclusively the signing date of the CHA, and moving forward the administration would date the the CHA's with a time and date, if multiple CHA's were signed on a single day, as has happened, this would determine a clear chronological order. MAC ranking would only be applicable for prior applicants who have gone through the process. Ms. Leis agreed with this statement, and also indicated there have been 3 Group B applicants who have CHA's. She also stated moving forward, any CHA's would be time and date stamped. Chairman Lynch asked how this would be communicated to the applicants. Ms. Leis stated when this policy is adopted by the commission, OSPCD would communicate this information to the applicants, prior to the CHA being signed. This information will also be available on the City website. The commissioners discussed incorporating this policy into the Licensing Commission. Ms. Leis recommended adopting the policy first, and then she could work with the city clerk's office to update the new language being adopted, to be voted on at a future meeting. A discussion was held on the process of application approvals and future policy changes. Also discussed was the extension of the priority applicant period through November of 2022, by the City Council. Ms. Leis stated the ordinance was adopted in 2018 and amended in 2020, "at no time shall the licensing commission issue a marijuana retailer license to a non-priority applicant if at the time of issuance there would not be an equal or greater number of licenses that are currently valid and issued to priority applicants". A discussion was held on outreach to base residents and minority applicants for these licenses, and why no licenses have been issued for Group A priority approved licenses yet. Ms. Leis stated this is a 4 step process. 1st is a CHA from the Mayor. 2nd and 3rd, not in any particular order, the applicant must be granted a license by the Somerville Licensing Commission, and they must get a special permit from the planning board to establish the use. 4th, they must get all of the information necessary to get a building permit and then actually build out the site. State approval by the Cannabis Control Commission is also necessary. Ms. Leis stated she believes 8 or 9 special permits have been issued and they are currently in the process of the build out, for example Northeast Select Harvest, was approved by the Licensing Commission in late 2019 or early 2020, they received their special permit from the Planning Board in the summer of 2020, and they have not yet received their license from the CCC and have not built out their premises. This is the case for other applicants as well. Chair Lynch stated our priority applicants have been affected by the Covid pandemic resulting in a financial strain.

The commission moved to adopt the policy as submitted by OSPCD, Charlotte Leis, concerning the Group B recreational marijuana sequencing of issuing licenses.

The commission approved this recommended policy on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

7. Communication from The Attorney General's Office Municipal Law Unit to inform the city of establishments where defendants convicted of driving under the influence say they were served alcohol before being arrested.

Case ID	Docket	NMESTAB	ST. Address	Date-Time	Offense DT	SEQ	Citation
31239975	2010CR000018	The Independent	75 Union Square	2/12/2021 10:48	43800	1	584128AA
31765620	2014CR001024	Earl's Kitchen	698 Assembly Row Ste 102	2/19/2021 10:48 AM	44067	1	781706AA

The Commission made a note of the Communication provided and placed it on file

8. Communication from the City Engineer pertaining to Outdoor Seating Proposal.

Director of Engineering, Brian Postlewaite and Thomas Galligani, Director of Economic Development appeared on this matter and provided a Power Point Presentation.

Mr. Postlewaite presented and discussed the Power Point Presentation. Mr. Postlewaite commented the temporary outdoor seating during the pandemic was a success but many challenges need to be addressed. Public safety, accessibility and Process Clarity issues were raised. He also indicated this would cover Private Outdoor, Public Street, Sidewalk and Parklet Seating. Areas with alcohol service need to be contiguous with fenced in premises, as required by the ABCC. Accessibility Standards, Parklets & Safety were also discussed. Site plans prepared by certified licensed design professional will be required. General Operational Standards were proposed for Hours of Operation, Restaurant Toilet capacity, Equipment and furniture removal requirements and the renewal process of these licenses, as well as Operational Standards for Dogs, were discussed. Mr. Postlewaite proposed Fee and Insurance requirements. A review of the licensing process was also discussed and the signoff requirements needed from Engineering, ISD, Health, Fire Prevention and Traffic and Parking. Chair Lynch had a question about the expiration dates included and recommended about the public way seating. Commissioner Allen had a question about the recommended minimum clearance of outdoor seating and how this is different from the current rules. A discussion followed. He also had a question on platform compliance and their removability for City utility work. A question was raised about the proposed \$100 per seat fee recommended and how much the city revenue has been lost to parklet seating. A discussion followed on this and also both sidewalk and parklet seating being allowed or not, by an establishment. Commissioner Thomas

asked about standardized barriers for this seating and the safety involved. Director Galligani stated he supports parklet seating. He indicated the Traffic & Parking Director has a total cost of every meter in the city. Commissioner Thomas also brought up cars double parking and causing traffic issues. Further discussion was held on safety barriers and the adherence of building codes for this process. Chair Lynch stated there is a need for this Outdoor Seating process. He also expressed safety issues and 3 instances of motorists that went into the side of a parklet, in 2020 and 2021. Chair Lynch asked about the cost for licensees for the proposals of additional insurance, a professional site plan certified by a survey or landscape architect, a photo rendering of the manufacturers documentation of the proposed furniture, barriers, fencing, tables and chairs, construction plans of the proposed structure for the platforms etc., a plan certified by an architect or plumbing engineer for Toilet capacity, and the recommended fees for seating and fees. He also had a question about the parking department review (and the requirement of attending an additional meeting) prior to Licensing Commission approval and the process of the bagging of Parking Meters. Mr. Postlewaite stated to follow up on the annual renewal, over the years, they have found ADA regulations change, the use of streets change, the design of streets change the condition, and potentially other rules and regulations change as well, and this may require the licensee to receive approval of these changes, at renewal time and may need to reapply for this license. Chair Lynch asked for clarification on walkway accessibility and the suspension of the license. He also stated the ABCC has a requirement that the premises be contiguous for serving alcohol and dogs are not allowed for outdoor seating, unless licensed by the Somerville Licensing Commission.

Chair Lynch requested that the City help with some of these expenses. Director Galligani stated several meetings have been held on these proposals and they have asked for feedback. He stated they are also looking to help alleviate some of these costs especially in the 1st year. Chair Lynch asked Mr. Postlewaite to forward the temporary ADA waiver date from the Architectural Board to the City Clerk. Commissioner Allen recommended having a set schematic, based on a standard, such as size, from Engineering, to access for licensees in order to help alleviate some of the cost. Chair Lynch requested a quote from other municipalities of their fees for Outdoor Seating, such as Boston...

The commission will hold a public hearing on this matter at the next Licensing Commission Meeting in February 2022.

The commission moved to place this item on the February 14, 2022 Agenda for a public hearing on this matter, on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

9. Request from Chairman Lynch for a total number of Active Alcohol Licenses, Total number of Active CV licenses and the Total number of provisional licenses for each.

He also requests the Total number of provisional recreational cannabis license (total to date) and Total number of Active Recreational Cannabis Licenses.

Chairman Lynch requested a list of the above Provisional and Active licenses.

Commissioner Thomas requested a breakdown of Group A & B applications for Retail Marijuana (Cannabis) approved Licenses. The secretary will provide the commission with this information. An amendment will be made to the original communication submitted by Chair Lynch.

NEW
Common Victualler License

10. Union Square Companies LLC
D/B/A Union Square Donuts
457 Grand Union Boulevard
Joshua Danoff
AL21-000043

Joshua Danoff appeared for this application. Mr. Danoff would like to open a 2nd establishment at Assembly Row. He stated they started in 2013, shared a space across from the post office, then since 2015, they moved in at their current establishment. Commissioner Thomas commented on the foot traffic in the Union Sq. store. Mr. Danoff stated the Union Sq. store has queuing due to not having the doors open and they have not made a decision to open the doors at Assembly yet. He hopes to open in late winter or early spring.

The commission approved this Common Victualler License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

11. Twin City Donuts LLC
D/B/A Dunkin Donuts
14 McGrath Highway
Jigar Patel
Nikul Patel
*New Owners – Old Owner: Dalel Corp (AL17-000195)
AL21-000045

Nicholas Jenkins appeared for this application. Mr. Jenkins is the office manager. Delivery Services from Uber Eats and Door Dash will be employed. No delivery space is currently available. Commissioner Thomas suggested he research a dedicated space for delivery.

The commission approved this Common Victualler License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

12. Guillen's LLC

D/B/A City Slicker Café

588 Somerville Ave.

Hector D. Guillen

Samuel O. Guillen

*New Owners – Old Owner: Makalu, Inc. (AL17-000302)

AL21-000046

Samuel Guillen appeared for this application. Mr. Guillen has been in the restaurant business for 20 years. This will be a pizza, salad and fried food restaurant. Commission Thomas suggested he research a dedicated space for delivery. There will be 18 seats in the establishment.

The commission approved this Common Victualler License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

NEW
Common Victualler License and
Outdoor Seating on Private Property

13. Juicygreens at Assembly Square LLC

D/B/A Juicygreens

495 Foley St.

Ammy Lowney

AL21-000042

Ammy Lowney appeared for this application. Ms. Lowney is the co-owner of this business. Ms. Lowney confirmed this is private property for the outdoor seating. She stated this is her 3rd establishment opening.

The commission approved this Common Victualler and Outdoor Seating on Private Property License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

14. Fr@mg LLC or FR& MG LLC (see lease)

D/B/A Café Rustica

356 Beacon St.

Farouk Ramdani

Mohamed Gendouz

Ahmed Derrouche

*New Owners – Old Owner: U & S LLC - Sunjan KC (AL21-000035 approved 10/18/21)
AL21-000047

Farouk Ramdani appeared for this application. Mr. Ramdani is a co-owner of this establishment. He has been working at this establishment for 20 years. No changes are being made to the menu or establishment. Commissioner Thomas asked Mr. Ramdani to follow up with the secretary with the hours of operation. He stated they will be open 7am-4pm. The secretary stated the application states open 7 days, 10 hours. Chair Lynch asked Mr. Ramdani to confirm the Days and Hours of Operation with the Secretary.

The commission approved this Common Victualler and Outdoor Seating on Private Property License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

EXISTING ALCOHOL LICENSES

All Forms Package Store License

Pledge of License & Pledge of Inventory

15. Kajal and Kevin II, LLC d/b/a Liquor Junction at 14 McGrath Hwy requesting approval for a Pledge of License and a Pledge of Inventory to Rockland Trust Company for an All Forms Package Store License
ALM21-21-000087

Ketul Patel appeared for this application. Mr. Patel stated he is refinancing this loan.

The commission approved this Pledge of License and Pledge of Inventory on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

EXISTING ALCOHOL LICENSES

Change of Manager

All Forms 7 Day Alcohol License **Educational Institution**

Change of Manager

16. Trustees of Tufts College d/b/a Tufts University at 78 Talbot Ave. requesting approval for a Change of Manager from John P. Beaulac to Patricia L. Klos

ALM21-000088

Patricia Klos appeared for this application. Ms. Klos has managed this alcohol license and is TIPS Certified.

The Commission approved this Change of Manager on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

All Forms 7 Day Alcohol
Private

Change of Manager

17. RF O'Sullivan's Saloon LLC d/b/a O'Sullivan's Saloon at 282 Beacon St. requesting approval for a Change of Manager from Fred Starikov to Brianna Michelle Classen
ALM21-000090

Brianna Classen appeared for this application. Ms. Classen will be taking over the management of this license and is TIPS Certified. She has been with this establishment since October, and has worked in this industry for 12-13 years.

The Commission approved this Change of Manager on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

All Forms 7 Day Alcohol
Inn

Change of Manager

18. DDH Hotel Somerville, LLC d/b/a Holiday Inn at 30 Washington St. requesting approval for a Change of Manager from Jim Harvey to Ryan Burkart
ALM21000092

Ryan Burkart appeared for this application. Mr. Burkart held this liquor license for this establishment from 2015 to the end of 2017, he was promoted to Area General Manager. He is TIPS Certified.

The Commission approved this Change of Manager on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed

NEW

All Forms 7 Day Alcohol Restaurant -

Enhancement Area License,
Common Victualler, Entertainment by Devices Indoors and Outdoors,
A Sunday Hours and Outdoor Seating on Private Property License

19. HK Food Group 515 d/b/a Josephine's at 515 Somerville Ave. requesting approval for an All Forms 7 Day Alcohol Restaurant License for the Enhancement Area, a Common Victualler, Entertainment by Devices Indoors and Outdoors, a Sunday Hours and an Outdoor Seating on Private Property License
AL21-000044

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Michael Skelfo and James Rafferty of Adams & Rafferty appeared for this application. This is a new construction on Somerville Ave. in the building for the new Cambria hotel. They will be acting independently from the hotel. They will also be the primary source of food and beverage, however, they will not be offering room service to the hotel. This will be an Italian concept. Mr. Skelfo has 3 other establishments and has been cooking in Boston for 21 or 22 years. Chair Lynch asked if the hotel has put in an application yet, and the secretary stated they have not. Attorney Rafferty stated they will have an indoor capacity of 134 seats and 96 seats on the patio. He also discussed Mr. Skelfo's qualifications. He stated the Sunday hours would be 10:30am to 1am. Mr. Skelfo stated they may wish to put in outdoor heaters. If heaters or a firepit will be installed, Chair Lynch stated an amendment would need to be submitted for this. A discussion followed about the hotel and the restaurant concept and the individual licenses cannot be transferred. A discussion was held about delivery services and the applicant does not have plans to offer this service at this time. Mr. Skelfo and Attorney Rafferty stated there were no violations or ABCC issues with the other establishments. Mr. Rafferty also stated they will not be offering room service for the hotel, but they have discussed a room perhaps having a QR Code, which would be an online ordering system, and they would pick up the food themselves. Chair Lynch asked about the address. He stated cannot have 2 alcohol licenses at the same address. The address may need to be amended if another alcohol license will be issued for the hotel. The secretary stated the food and alcohol menus were not complete. The food menu is a draft, and the alcohol menu does not indicate the prices of the drinks. Chair Lynch stated they can update these items with the commission when complete. Chair Lynch also recommended the applicant contact Councilor Scott. Attorney Rafferty state they did reach out, but hadn't heard from the Councilor yet.

The Commission approved this Common Victualler, Entertainment by Devices, Indoors and Outdoors, a Sunday Hours and Outdoor Seating on Private Property License on a roll call vote with 3 in favor (Allen, Lynch and Thomas), 0 opposed